

**MINUTES
PIERCE COUNTY COUNCIL MEETING
APRIL 6, 2004**

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(Note: These minutes are not verbatim. Recorded tapes are available upon request.)

I. CALL TO ORDER

The regular meeting of the Pierce County Council was called to order at 3:00 p.m. by Chair Moss.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The pledge was led by Moss, followed by a Moment of Silence in tribute to our men and women in the Military.

III. ROLL CALL

Councilmembers Present: Shawn Bunney, Barbara Gelman, Calvin Goings, Terry Lee, Harold Moss, Dick Muri, and Kevin Wimsett.

Council Staff Present: Denise Johnson, Clerk of the Council; Susan Long, Administrator for Legal and Operations; Tom Weber, Administrator for Research and Policy; and Steve Gross, Deputy Legal Counsel.

There were ten visitors present.

IV. APPROVAL OF AGENDA

Wimsett moved approval of the Agenda; motion seconded and passed on a voice vote.

V. CONSENT AGENDA

- a. Approval of Minutes
- b. Action on Ordinances (refer, set date of hearing)

- 1. PROPOSAL NO. 2004-13, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 18A.25.150 F. OF THE PIERCE COUNTY CODE, "RURAL ZONE CLASSIFICATIONS AND USE TABLES" TO ALLOW REGIONAL PARKS AS AN OUTRIGHT PERMITTED USE IN RURAL ACTIVITY CENTERS (RAC) ZONED CLASSIFICATIONS.

Sponsored by: Councilmember Calvin Goings
Contact person: Sean Gaffney, 798-2724
DO PASS RECOMMENDATION - COMMUNITY DEVELOPMENT
COMMITTEE ON MARCH 15, 2004 - (Calvin Goings,
Chair; Terry Lee, Vice Chair; Harold Moss,
Member/excused; Dick Muri, Member; Kevin Wimsett,
Member)
Suggested date of Council hearing: May 4, 2004

2. PROPOSAL NO. 2004-15, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF APPLICATIONS FOR TIMBER LAND CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTIES LOCATED WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OST1-03, BRUCE AND KORRICE PEDERSON - TULE LAKE/McKENNA AREA; APPLICATION NO. OST3-03, WILLIAM AND CATHERINE HAINER - TULE LAKE/McKENNA AREA; APPLICATION NO. OST5-03, MICHAEL AND KRISTIN YAMADA - TULE LAKE/McKENNA AREA; APPLICATION NO. OST7-03, PHILLIP AND ANGELA APONTE - TULE LAKE/McKENNA AREA; APPLICATION NO. OST8-03 - DON AND HWA KIM - SILVER LAKE AREA; APPLICATION NO. OST9-03, DAE KYUNG AND MAL SOON RHEE - TULE LAKE/McKENNA AREA; APPLICATION NO. OST10-03, DANIEL AND CONNIE BUCHIGNANI - TULE LAKE/McKENNA AREA; APPLICATION NO. OST11-03, MATTHEW BRONOSKE - TULE LAKE/McKENNA AREA; APPLICATION NO. OST12-03, PAUL AND JEANINE JORDAN - SILVER LAKE AREA)

Sponsored by: Councilmember Calvin Goings
Contact person: Chad Williams, 798-3683
DO PASS RECOMMENDATION - COMMUNITY DEVELOPMENT
COMMITTEE ON MARCH 22, 2004 - (Calvin Goings,
Chair; Terry Lee, Vice Chair; Harold Moss,
Member/excused; Dick Muri, Member; Kevin Wimsett,
Member)
Suggested date of Council hearing: May 4, 2004

3. PROPOSAL NO. 2004-18, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL FINDING THE PROPOSED NONEXCLUSIVE WIRELESS TELECOMMUNICATIONS FRANCHISE TO VOICESTREAM PCS III CORPORATION, A SUBSIDIARY OF T-MOBILE USA, INC., FOR A TELECOMMUNICATIONS NETWORK IN PIERCE COUNTY TO BE IN THE PUBLIC INTEREST; SETTING FORTH TERMS AND CONDITIONS ACCOMPANYING THE GRANTING OF THE WIRELESS TELECOMMUNICATIONS FRANCHISE; PROVIDING FOR THE REGULATION OF CONSTRUCTION, OPERATION, MAINTENANCE, AND USE OF THE NETWORK; PRESCRIBING REMEDIES FOR THE VIOLATION OF THE PROVISIONS OF THE FRANCHISE; AND AUTHORIZING

THE COUNTY EXECUTIVE TO ENTER INTO THE FRANCHISE AGREEMENT.

Sponsored by: Councilmember Shawn Bunney
Contact person: Hudson Stansbury, 798-7477
For referral to the Economic & Infrastructure Development Committee

4. PROPOSAL NO. 2004-20, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF APPLICATIONS FOR OPEN SPACE CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTIES LOCATED WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS2-03, ROBERT L. BERG - ORTING AREA; APPLICATION NO. OS4-03, KIMBERLEY POWELL - EATONVILLE AREA; AND APPLICATION NO. OS6-03, NICK AND JOLEEN REYNOLDS - WAUNA AREA)
Sponsored by: Councilmember Calvin Goings
Contact person: Chad Williams, 798-3683
For referral to the Community Development Committee
5. PROPOSAL NO. 2004-22, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL APPROVING A LAND LEASE/SUBLEASE AGREEMENT FOR REAL PROPERTY AT THE PIERCE COUNTY STEILACOOM FERRY LANDING WITH THE WASHINGTON STATE DEPARTMENT OF CORRECTIONS AND DEPARTMENT OF SOCIAL AND HEALTH SERVICES; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE SAID LEASE/SUBLEASE.
Sponsored by: Councilmember Harold Moss
Contact person: Don Peterson, 798-3147
For referral to the Economic and Infrastructure Development Committee
6. PROPOSAL NO. 2004-26, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING A NEW CHAPTER 18J.17 OF THE PIERCE COUNTY CODE (PCC), "SMALL LOT DESIGN STANDARDS;" AMENDING SECTION 18J.10.030, "DEFINITIONS," SECTION 18J.50.070, "SMALL LOT DESIGN," AND SECTION 18A.35.020, "DESIGN AND DENSITY"; SETTING AN EFFECTIVE DATE; AND ADOPTING FINDINGS OF FACT.
Sponsored by: Councilmember Calvin Goings
Contact person: C. E. "Chip" Vincent, 798-3736
For referral to the Community Development Committee
To be heard by the Community Development Committee on April 19, 2004

- c. Action on Resolutions (refer, set date of hearing)
 - 1. PROPOSAL NO. R2004-68, A RESOLUTION OF THE PIERCE COUNTY COUNCIL FINDING THAT THE PROVISIO INCLUDED IN ORDINANCE NO. 2003-107S RELATING TO THE CHAMBERS CREEK GOLF COURSE HAS BEEN SATISFIED, AND AUTHORIZING FURTHER EXPEDITURES FROM THE CHAMBERS CREEK GOLF COURSE FUND CONSISTENT WITH THE ADOPTED 2004 BUDGET. Sponsored by: Councilmembers Harold Moss and Terry Lee
Contact persons: Karen Goon, 798-4108 and Joe Scorcio, 798-4050
For referral to the Rules and Operations Committee
To be heard by the Rules and Operations Committee on April 15, 2004

d. Other Items

Wimsett moved approval of the Consent Agenda; motion seconded and passed on a roll call vote of seven to zero.

VI. MESSAGES FROM EXECUTIVE/JUDGES/PROSECUTING ATTORNEY - None

VII. PROCLAMATIONS, AWARDS, AND/OR APPOINTMENTS TO BOARDS AND COMMISSIONS

PROPOSAL NO. R2004-60, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AND EXECUTIVE COMMENDING DAVE RISVOLD AS AN EMPLOYEE SUGGESTION AWARD WINNER.

Wimsett moved adoption; motion seconded. The Clerk read the Resolution into the record.

Staff Testimony

Ron Klein, Director, Department of Communications, on behalf of the Executive, provided congratulations and appreciation to the award winners. Sue Wahlberg, Personnel Department, accepted the Resolution in Risvold's absence.

The Chair called for public testimony; there was no response. The Proposal was adopted on a roll call vote of seven to zero.

PROPOSAL NO. R2004-61, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AND EXECUTIVE COMMENDING KRIS DESSEN AS AN EMPLOYEE SUGGESTION AWARD WINNER.

Wimsett moved adoption; motion seconded. The Clerk read the Resolution into the record.

Staff Testimony

Klein stated since the suggestion was made during a snow storm, it was a timely suggestion. Kris Dessen accepted the Resolution.

The Chair called for public testimony; there was no response. The Proposal was adopted on a roll call vote of seven to zero.

PROPOSAL NO. R2004-43, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE REAPPOINTMENT OF THREE MEMBERS TO THE ETHICS COMMISSION. (RICHARD MCGRUE, MICHAEL LACADIE AND DENISE HOOD)

Wimsett moved adoption; motion seconded. The Clerk read the title into the record.

Muri stated that Lacadie is active in the District No. 6 community.

The Chair called for public testimony; there was no response. The Proposal was adopted on a roll call vote of seven to zero.

PROPOSAL NO. R2004-46, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF ONE NEW MEMBER TO THE PIERCE COUNTY ARTS COMMISSION. (SUSAN LEONARD)

Wimsett moved adoption; motion seconded. The Clerk read the title into the record. The Chair called for public testimony; there was no response. The Proposal was adopted on a roll call vote of seven to zero.

PROPOSAL NO. R2004-53, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF TEN NEW MEMBERS TO THE PIERCE COUNTY AIRPORT/THUN FIELD ADVISORY COMMISSION. (ROBERT BALTZELL, MICHAEL CARSON, LEON PETERS, ELIZABETH STUBBS, CARL VEST, ROBERT FAY, FRANK LLOYD III, JEFF PRATT, TONY ROBINSON, AND DARRYL SAMS)

Wimsett moved adoption; motion seconded. The Clerk read the title into the record.

Muri stated he and Fay worked together in the Army.

Robert Fay thanked Wimsett for the appointment.

The Chair called for public testimony; there was no response. The Proposal was adopted on a roll call vote of seven to zero.

PROPOSAL NO. R2004-54, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF TWO NEW MEMBERS TO THE SOUTH HILL ADVISORY COMMISSION. (JAMES "JIM" E. SANDS JR. AND JOHN B. MEISTER)

Wimsett moved adoption; motion seconded. The Clerk read the title into the record.

Jim Sands thanked Wimsett for the appointment.

The Chair called for public testimony; there was no response. The Proposal was adopted on a roll call vote of seven to zero.

PROPOSAL NO. R2004-62, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE REAPPOINTMENT OF ONE MEMBER TO THE PIERCE COUNTY PLANNING COMMISSION. (DAVID KING)

Wimsett moved adoption; motion seconded. The Clerk read the title into the record.

Lee and Moss spoke in support of King's appointment.

The Chair called for public testimony; there was no response. The Proposal was adopted on a roll call vote of seven to zero.

VIII. ORDINANCES

PROPOSAL NO. 2003-142s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO THE CITY OF TACOMA, DEPARTMENT OF PUBLIC UTILITIES, LIGHT DIVISION, DOING BUSINESS AS TACOMA POWER, OF PIERCE COUNTY, FOR LOCATION OF ELECTRIC LINES ON CERTAIN RIGHTS-OF-WAY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE SAID FRANCHISE.

Wimsett moved adoption; motion seconded. The Clerk read the title into the record.

Staff Testimony

Weber stated the Proposal received a do pass as substituted recommendation by the Economic and Infrastructure Committee on February 17, 2004. An amendment was made in Committee to change the franchise from 20 years to 15 years. Today's Council amendment will put the franchise back to 20 years.

Bruce Duncan, Public Works and Utilities Department, stated the Proposal would replace the expiring franchise to allow

the company to continue services throughout Pierce County.

Wimsett moved Council Amendment No. 2 on the yellow; motion seconded. A copy of the amendment is included with these minutes as Attachment I.

Staff Testimony

Weber explained the amendment will make the franchise effective for 20 years.

Lee stated a 20-year period will work better than a 15-year period.

Public Testimony on the Amendment

Tom Anderson, Tacoma Power, spoke in support of the amendment, and thanked the Councilmembers for their support.

The amendment passed on a voice vote. The Chair called for public testimony on the amended Proposal; there was no response. The Proposal passed as amended on a roll call vote of seven to zero.

PROPOSAL NO. 2004-5, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE 2001-99S AND SECTION 4.24.015 D. OF THE PIERCE COUNTY CODE REGARDING EXPENDITURES OF THE SECOND REAL ESTATE EXCISE TAX FOR CAPITAL PARK AND RECREATION PROJECTS.

Wimsett moved adoption; motion seconded. The Clerk read the title into the record.

Staff Testimony

Weber stated the Proposal received a do pass recommendation by the Community Development Committee on February 23, 2004.

Jan Wolcott, Parks and Recreation Services Department, provided an update on the progress made on several Real Estate Excise Tax (REET) projects.

Public Testimony

Mike Flynn, Past President of Tacoma-Pierce County Association of Realtors, spoke in opposition of passing the Proposal as presented.

Bunney moved that the Proposal be referred back to the Rules Committee for further consideration; motion seconded. After discussion, the motion passed on a roll call vote of four to three (Wimsett, Goings, and Moss voted no).

PROPOSAL NO. 2004-6s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL REPEALING CHAPTERS 2.58, 2.59, 2.77 AND 2.94 OF THE PIERCE COUNTY CODE AND ADOPTING NEW CHAPTERS 2.58, 2.59, 2.77, AND 2.94 OF THE PIERCE COUNTY CODE TO RE-ESTABLISH THE GIG HARBOR PENINSULA, GRAHAM, FOOTHILLS PLATEAU, AND GREATER GREENWATER GATEWAY LAND USE ADVISORY COMMISSIONS CONSISTENT WITH THE PROVISIONS OF CHAPTER 2.45 OF THE PIERCE COUNTY CODE.

Wimsett moved adoption; motion seconded. The Clerk read the title into the record.

Wimsett moved to re-refer the Proposal to the Community Development Committee; motion seconded and passed on a voice vote.

IX. RESOLUTIONS

PROPOSAL NO. R2004-34, A RESOLUTION OF THE PIERCE COUNTY COUNCIL DECLARING ITS INTENT TO VACATE LYBECKER DRIVE NORTHWEST IN THE WEST HALF OF SECTION 4 AND THE EAST HALF OF SECTION 5, TOWNSHIP 21 NORTH, RANGE 2 EAST, OF THE WILLAMETTE MERIDIAN, IN THE GIG HARBOR AREA; AND DIRECTING THE COUNTY ENGINEER TO EXAMINE THE INTENDED VACATION AND REPORT THE FINDINGS AND CONCLUSIONS THEREOF TO THE COUNCIL.

Wimsett moved adoption; motion seconded. The Clerk read the title into the record.

Staff Testimony

Weber stated the Proposal received a do not pass recommendation by the Economic and Infrastructure Development Committee on March 16, 2004.

Lee stated a number of residents testified to not go forward with the vacation. He felt in order for a vacation to be successful, it needs to be supported by the individuals who use the road.

Public Testimony

Bill Rehe spoke in support of vacation.

The Proposal was defeated on a roll call vote of six to one (Gelman voted yes).

X. OTHER BUSINESS/ANNOUNCEMENTS

1. Wimsett moved to amend the April 12-16, 2004, Meeting Schedule to add an Executive Session on Tuesday, April 13, 2004, at 11:00 a.m., pursuant to Revised Code of Washington RCW) 42.30.110 (1)(i); to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency; motion seconded and passed.

At 4:10 p.m., the Chair announced the televised portion of the business meeting is concluded.

XI. GENERAL PUBLIC COMMENTS

1. Brian Ziegler, Director, Public Works & Utilities Department, spoke to ferry scheduling due to the engine problem of the Christine Anderson.

In the Chair's absence, Wimsett chaired the remainder of the meeting.

In response to Lee's question, Ziegler stated the ferry will return to the existing schedule in about a month.

In response to Muri's question, Ziegler stated a press release will be done today, and a rider alert will be out tomorrow morning. The Council will receive copies. The Steilacoom ferry will run when the Christine Anderson ferry is in dry dock.

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at
4:14 p.m.

Attest:

Denise D. Johnson, Clerk of the Council

Approved:

Councilmember Harold Moss, Council Chair

Date Approved

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